

REMARKS

Claims 52 to 65 are pending. These correspond in general to Claims 1-11, 20, 22 and 23. The application was rejected under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 112, second paragraph. The Examiner has alleged that the specification would require additional undue experimentation to enable the scope of the claims. The claims were also rejected for being indefinite. The language of the claims is believed to overcome both rejections. Reconsideration and withdrawal of both rejections is respectfully requested.

The claims presently in the application are directed to the preparation of mouse vectors, as well as non-human mammalian cells transformed by these vectors. Examiner has noted that the non-human animal is not enabled other than with the use of the mouse promoter. The new claims have been provided which respond to this rejection. Even though there is unpredictability in regard to the preparation of transgenic animals, Applicants' specification, coupled with the level of knowledge and skill in the art, have sufficient teaching to permit implementation of the invention. Reconsideration and withdrawal of the objection are respectfully requested.

In response, Applicants submit that the specification provides ample guidance to those skilled in the art to use the claimed nucleic acid with a promoter to drive the expression of human Tau in the nervous system of a mouse.

As noted in the earlier arguments, there is also sufficient guidance in the specification to permit one skilled in the art to apply ES cell technology to make and use the non-human mammalian cells encompassed by the claims.

Reconsideration and withdrawal of the rejection insofar as it could be applied to the Claims in the application, under 35 U.S.C. §112, first paragraph and 35 U.S.C. § 112, second paragraph, are respectfully requested.

Early consideration and prompt allowance of the pending claims is respectfully requested.

CONCLUSION

The Examiner is respectfully requested to reconsider and withdraw the rejections. Applicants submit the Application is now in condition for allowance and respectfully requests early notice to that effect.

Should the Examiner feel that telephonic communication with Applicants' representative would further the prosecution of the instant application, she is invited to telephone the undersigned.

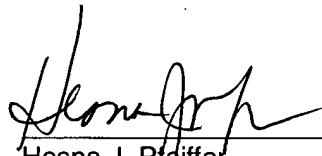
PETITION FOR EXTENSION OF TIME

Applicant(s) petition(s) the Commissioner of Patents and Trademarks to extend the time for response to the Office Action dated July 2, 2004 for three (3) months from October 2, 2004 to January 3, 2005.

Please charge Deposit Account No. 10-0750/JAB1515/LAD2 in the name of Johnson & Johnson for the cost of filing this Petition. Three copies of this page are included with this paper.

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1515 121504 amendment
Date: December 15, 2004

Respectfully submitted,


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